

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

JOAN M. HAVENS

Defendant

**CR-18-45-GF-BMM**

**ORDER**

This matter came before the Court on appeal from a Judgment and Sentence issued by the Honorable John T. Johnston on June 6, 2018. The defendant has appealed her conviction.

**BACKGROUND**

Magistrate Judge John Johnston held a bench trial in this matter on June 6, 2018. Judge Johnston reviewed body cam footage and heard testimony of Forest Service employees and a federal law enforcement officer who witnessed the event. Judge Johnston convicted Joan Havens (Havens) of threatening, intimidating, or interfering with a Forest

Service Officer Under 36 C.F.R. § 261.3(a). Judge Johnston sentenced Havens to seven days in jail. Havens appealed, claiming there was insufficient evidence to support a guilty verdict, and the sentence is unreasonable. This Court heard Havens's appeal on September 17, 2018. Havens was not present for the hearing. Havens reported to the Missouri River Courthouse on September 27, 2018. An arrest warrant was immediately issued.

### **DISCUSSION**

The Court must view the evidence in light most favorable to the government and determine whether any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt. *U.S. v. Chapman*, 528 F.3d 1215, 1218 (9th Cir. 2008).

The Court determines that a rational trier of fact could have found Havens guilty of interfering with a Forest Officer in violation of 36 C.F.R. § 261.3(a), and a sentence of seven days in jail is reasonable.

Therefore, the decision of the Magistrate Judge is AFFIRMED.

DATED this 27th day of September, 2018

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable.

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Brian Morris  
United States District Court Judge